IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 176 of 2006

Pramod Bharti
S/o Ramesh Chandra Pal
R/o House No. 59, Gulli No. 1 Anand Puri
Police Station Civil Lines, Muzaffarnagar
District - Muzaffarnagar ……Applicant

Versus

1. State of Uttaranchal

2. A.D.J./1st F.T.C. Roorkee,
District – Haridwar … Opp. parties

Sri Parikshit Saini, learned counsel for the applicant
Sri Nandan Arya, learned A.G.A. for the State

Hon'ble J.C.S. Rawat, J.

The present petition u/s 482 Cr.P.C. has been directed to quash the order dated 23.02.2006 passed by A.D.J. / 1st F.T.C. Roorkee, District – Haridwar in Session trial No. 387/2004 State Vs. Pramod Bharti u/s 307 I.P.C.

Brief facts for the disposal of this petition are that Session trial was pending before the court of Addl. Sessions Judge and 23.02.2006 was fixed for evidence but the accused did not appear on the date fixed. Two witnesses were present on the date fixed and the court below issued non-bailable warrant against the applicant-accused and notices to the sureties for realization of the amount.

Feeling aggrieved by the said order, the present petition has been preferred before this court.

I have heard learned counsel for the parties and perused the record.

The course open to the applicant was to appear before the court below either to seek bail or to move an application to recall the warrant already issued against him but the applicant

had not taken such course before the court below. As such, the petition is not maintainable at this stage.

The applicant can move application before the court below and the court below may pass the suitable order in his application.

In view of the above observation, the petition is disposed of accordingly.

(J.C.S. RAWAT, J.)

22nd March, 2006
Shiv